

UNITED PRESS INTERNATIONAL  
28 November 1983

ATLANTA  
HUNT  
BY WILLIAM COTTERELL

A federal appeals court Monday threw out the \$650,000 libel award won by Watergate conspirator E. Howard Hunt against a conservative organization that falsely linked him to President Kennedy's assassination.

The U.S. 11th Circuit Court of Appeals ruled that U.S. District Judge Thomas W. Kehoe of Miami improperly instructed jurors to consider the accuracy standards of "responsible publishers" in deciding whether the Liberty Lobby was subject to damages. Hunt, an author of spy novels and some non-fiction works, had claimed that The Spotlight, a tabloid publication of the Liberty Lobby, would not have libeled him if it had applied normal editorial skepticism to an article by former intelligence agent Victor Marchetti.

The Marchetti article was published in 1978, when a special House committee was investigating the murders of John and Robert Kennedy and Dr. Martin Luther King Jr. The newspaper reported that the CIA was furious with Hunt for threatening to implicate the agency in the Watergate bugging, and said CIA witnesses would implicate him in the Kennedy assassination with their testimony before the committee.

No such disclosures were made. The Liberty Lobby admitted at trial that Hunt was not in Dallas Nov. 22, 1963, but maintained that as a public figure he was held to a higher standard and had to show deliberate malice or reckless disregard for the truth in order to prevail in a libel case.

In a 2-1 ruling written by Judge Albert B. Henderson, the court of appeals said Hunt met the burden of proof standard -- but that Kehoe erred in his jury instructions. The judge told jurors they could return a verdict for Hunt if they found "an extreme departure from the standards of investigating and reporting ordinarily adhered to by responsible publishers."

The Liberty Lobby and editors of The Spotlight claimed they had no reason to suspect Marchetti's article.

Hunt was awarded \$100,000 in compensatory damages and \$550,000 in punitive damages against the Liberty Lobby.

In reversing the judgment, Henderson said the appeals court could not determine whether jurors acted on the improper instructions Kehoe had given regarding accuracy standards of "responsible publishers."

"Indeed, Hunt's opinion that, based upon his experience as a journalist, the appellant's actions were irresponsible was admitted into evidence," wrote Henderson. "Based on this record, the jury could have imposed liability because it found that the appellant engaged in 'highly unreasonable conduct constituting an extreme departure from the standards of investigating and reporting ordinarily adhered to by responsible publishers,' or it could have found that the appellant knew that the article was false or had serious doubts about its truth."

*CONTINUED*